

ORIGINAL

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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

Gary Pierce, Chairman
Sandra D. Kennedy
Paul Newman
Bob Stump
Brenda Burns

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AZ CORP COMMISSION
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Arizona Corporation Commission

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JAN 25 2011

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
SOLARRESERVE, LLC, IN CONFORMANCE
WITH THE REQUIREMENTS OF ARIZONA
REVISED STATUTES §§40-360, *et seq.*, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
CONSTRUCTION OF THE CROSSROADS GEN-
TIE ORIGINATING AT THE CROSSROADS
SOLAR ENERGY PROJECT AND
TERMINATING AT EITHER THE PANDA-GILA
RIVER SUBSTATION OR THE GILA BEND
SUBSTATION, BOTH IN GILA BEND,
ARIZONA.

CASE NO. 155

Docket No. L-00000RR-10-0428-00155

NOTICE OF FILING SAMPLE FORMS
OF ORDER FOR CASE NO. 155

IN THE MATTER OF THE APPLICATION OF
SOLARRESERVE, LLC, IN CONFORMANCE
WITH THE REQUIREMENTS OF ARIZONA
REVISED STATUTES §§40-360, *et seq.*, FOR A
CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AUTHORIZING THE
CONSTRUCTION OF THE CROSSROADS
SOLAR ENERGY PROJECT IN MARICOPA
COUNTY, ARIZONA.

CASE NO. 156

Docket No. L-00000RR-10-0429-0156

The Commission's Legal Division hereby provides sample forms of order for the Commission's convenience when considering the above-captioned matter. Sample Order No. 1 is in a format suitable for Commission approval of the Siting Committee's Certificate of Environmental Compatibility ("CEC") decision. Sample Order No. 2 is in a format for Commission modifications to the Siting Committee's CEC decision. Sample Order No. 3 is in a format for denial of the CEC issued in the Siting Committee's decision.

RESPECTFULLY SUBMITTED this 25th day of January, 2011.

Janice Alward
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 **Original and thirteen (13)**
2 **copies of the foregoing filed this**
3 **25th day of January, 2011 with:**

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 **Copies of the foregoing mailed**
9 **this 25th day of January, 2011 to:**

10 Thomas H. Campbell, Esq.
11 Albert H. Acken, Esq.
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16 Israel G. Torres, Esq.
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18 209 East Baseline Road, Suite E-102
19 Tempe, Arizona 85283

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By Roseann Osorio

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Gary Pierce, Chairman

4 Sandra D. Kennedy

5 Paul Newman

6 Bob Stump

7 Brenda Burns

8 IN THE MATTER OF THE APPLICATION OF
9 SOLARRESERVE, LLC, IN CONFORMANCE
10 WITH THE REQUIREMENTS OF ARIZONA
11 REVISED STATUTES §§40-360, *et seq.*, FOR A
12 CERTIFICATE OF ENVIRONMENTAL
13 COMPATIBILITY AUTHORIZING THE
14 CONSTRUCTION OF THE CROSSROADS
15 GEN-TIE ORIGINATING AT THE
16 CROSSROADS SOLAR ENERGY PROJECT
17 AND TERMINATING AT EITHER THE
18 PANDA-GILA RIVER SUBSTATION OR THE
19 GILA BEND SUBSTATION, BOTH IN GILA
20 BEND, ARIZONA.

CASE NO. 155

Docket No. L-00000RR-10-0428-00155

DECISION NO. _____

SAMPLE ORDER NO. 1

*(Sample Form of Order for the Convenience of the
Commission to Use if the Commission Determines it is in
the Public Interest to Grant the Project a CEC as Issued
by the Siting Committee's Decision.)*

21 Open Meeting
22 February ____, 2011
23 Phoenix, Arizona

24 **BY THE COMMISSION:**

25 Pursuant to A.R.S. § 40-360, *et seq.*, after due consideration of all relevant matters, the
26 Arizona Corporation Commission ("Commission") finds and concludes that the Certificate of
27 Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line
28 Siting Committee ("Siting Committee") is hereby approved as granted by this Order.

The Commission, in reaching its decision, has balanced all relevant matters in the broad
public interest, including the need for an adequate, economical and reliable supply of electric power
with the desire to minimize the effect thereof on the environment and ecology of this state, and finds
that granting the Project a CEC is in the public interest.

The Commission further finds and concludes that in balancing the broad public interest in this
matter:

1. The Project is in the public interest because it aids the state in meeting the need for an adequate, economical, and reliable supply of electric power.
2. In balancing the need for the Project with its effect on the environment and ecology of the state, the conditions placed on the CEC effectively minimize its impact on the environment and ecology of the state.
3. The conditions placed on the CEC resolve matters concerning the need for the Project and its impact on the environment and ecology of the state raised during the course of proceedings, and as such, serve as the findings on the matters raised.
4. In light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.

**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
Executive Director of the Arizona Corporation Commission,
have hereunto, set my hand and caused the official seal of this
Commission to be affixed at the Capital, in the City of
Phoenix, this _____ day of _____ 2011.

ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____

Decision No. _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Gary Pierce, Chairman

4 Sandra D. Kennedy

5 Paul Newman

Bob Stump

Brenda Burns

6 IN THE MATTER OF THE APPLICATION OF
7 SOLARRESERVE, LLC, IN CONFORMANCE
8 WITH THE REQUIREMENTS OF ARIZONA
9 REVISED STATUTES §§40-360, *et seq.*, FOR A
10 CERTIFICATE OF ENVIRONMENTAL
11 COMPATIBILITY AUTHORIZING THE
12 CONSTRUCTION OF THE CROSSROADS
13 GEN-TIE ORIGINATING AT THE
14 CROSSROADS SOLAR ENERGY PROJECT
15 AND TERMINATING AT EITHER THE
16 PANDA-GILA RIVER SUBSTATION OR THE
17 GILA BEND SUBSTATION, BOTH IN GILA
18 BEND, ARIZONA.

CASE NO. 155

Docket No. L-00000RR-10-0428-00155

DECISION NO. _____

SAMPLE ORDER NO. 2

(Sample Form of Order for the Convenience of the Commission to Use if the Commission Determines it is in the Public Interest to Grant the Project a CEC But Also Determines that the Public Interest Requires that the Commission Modify the CEC as Issued by the Siting Committee's Decision.)

15 Open Meeting
16 February ____, 2011
17 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Pursuant to A.R.S. § 40-360, *et seq.*, after due consideration of all relevant matters, the
19 Arizona Corporation Commission ("Commission") finds and concludes that the Certificate of
20 Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line
21 Siting Committee ("Siting Committee") is hereby approved as modified by this Order.

22 The Commission, in reaching its decision, has balanced all relevant matters in the broad
23 public interest, including the need for an adequate, economical and reliable supply of electric power
24 with the desire to minimize the effect thereof on the environment and ecology of this state, and finds
25 that the CEC for the above-captioned application for siting approval is in the public interest as
26 modified by this Order.

1 The Commission modifies the CEC to (add) (modify) (delete) the following provisions and/or
2 condition(s):

3
4 *(For example, modifications to the Siting Committee's CEC could include amending the*
5 *Committee's determinations, adding new conditions, changing conditions' language and/or*
6 *deleting the conditions.)*

7
8
9 The Commission further finds and concludes that in balancing the broad public interest in this
10 matter:

- 11 1. The Project is in the public interest because it aids the state in meeting the need for an
12 adequate, economical and reliable supply of electric power.
- 13 2. In balancing the need for the Project with its effect on the environment and ecology of
14 the state, the conditions placed on the CEC as modified by the Commission effectively
15 minimize its impact on the environment and ecology of the state.
- 16 3. The conditions placed on the CEC as modified by the Commission resolve matters
17 concerning the need for the Project and its impact on the environment and ecology of
18 the state raised during the course of proceedings, and as such, serve as the findings on
19 the matters raised.
- 20 4. In light of these conditions, the balancing in the broad public interest results in favor
21 of granting the CEC as modified by the Commission.

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**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED AS MODIFIED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
Executive Director of the Arizona Corporation Commission,
have hereunto, set my hand and caused the official seal of this
Commission to be affixed at the Capital, in the City of Phoenix,
this _____ day of _____ 2011.

ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 Gary Pierce, Chairman

4 Sandra D. Kennedy

5 Paul Newman

6 Bob Stump

7 Brenda Burns

8 IN THE MATTER OF THE APPLICATION OF
9 SOLARRESERVE, LLC, IN CONFORMANCE
10 WITH THE REQUIREMENTS OF ARIZONA
11 REVISED STATUTES §§40-360, *et seq.*, FOR A
12 CERTIFICATE OF ENVIRONMENTAL
13 COMPATIBILITY AUTHORIZING THE
14 CONSTRUCTION OF THE CROSSROADS
15 GEN-TIE ORIGINATING AT THE
16 CROSSROADS SOLAR ENERGY PROJECT
17 AND TERMINATING AT EITHER THE
18 PANDA-GILA RIVER SUBSTATION OR THE
19 GILA BEND SUBSTATION, BOTH IN GILA
20 BEND, ARIZONA.

CASE NO. 155

Docket No. L-00000RR-10-0428-00155

DECISION NO. _____

SAMPLE ORDER NO. 3

*(Sample Form of Order for the Convenience of the
Commission to Use if the Commission Determines it is in
the Public Interest to Deny the Project the CEC Issued by
the Siting Committee's Decision.)*

21 Open Meeting
22 February ____, 2011
23 Phoenix, Arizona

24 **BY THE COMMISSION:**

25 Pursuant to A.R.S. § 40-360, *et seq.*, after due consideration of all relevant matters, the
26 Arizona Corporation Commission ("Commission") finds and concludes that the above-captioned
27 Application for a Certificate of Environmental Compatibility ("CEC") for siting approval is not in the
28 public interest and therefore the CEC issued by the Arizona Power Plant and Transmission Line
Siting Committee ("Siting Committee") is hereby denied by this Order.

The Commission, in reaching its decision, has balanced all relevant matters in the broad
public interest, including the need for an adequate, economical and reliable supply of electric power
with the desire to minimize the effect thereof on the environment and ecology of this state, and finds
that granting the Project a CEC is not in the public interest.

The Commission finds and concludes that in balancing the broad public interest in this matter:

- 1 1. The evidence in the record is not sufficient to weigh the balancing of the public
2 interest in favor of granting a CEC in this matter when all the factors set forth in
3 A.R.S. § 40-360.06 are considered along with need for an adequate economical, and
4 reliable supply of electric power.
- 5 2. The conditions placed upon the CEC are not sufficient to weigh the balancing of the
6 public interest in favor of granting a CEC in this matter when all the factors set forth in
7 A.R.S. § 40-360.06 are considered along with the need for an adequate, economical,
8 and reliable supply of electric power.
- 9 3. The record compels balancing the competing public interests in favor of protection of
10 the environment and ecology of the State of Arizona by denying Applicant a
11 Certificate of Environmental Compatibility.
- 12 4. The CEC issued by the Siting Committee should not be confirmed and approved by
13 the Commission.
- 14 5. The Commission's findings 1 through 4 above serve as the Commission's findings of
15 fact and conclusions of law in reaching its decision.

16
17 Therefore, the Commission further finds and concludes that the CEC issued by the Siting
18 Committee is hereby denied by this Order; and, the above-captioned Application for a CEC is hereby
19 denied by this Order.

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**THE CEC ISSUED BY THE SITING COMMITTEE IS
INCORPORATED HEREIN AND IS APPROVED AS MODIFIED BY ORDER OF THE
ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
Executive Director of the Arizona Corporation Commission,
have hereunto, set my hand and caused the official seal of this
Commission to be affixed at the Capital, in the City of Phoenix,
this _____ day of _____ 2011.

ERNEST G. JOHNSON
Executive Director

DISSENT: _____

DISSENT: _____